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EXAMINER	
LAI, MICHAEL C	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)
	10/683,800	BLAGSVEDT ET AL.
	Examiner	Art Unit
	Michael C. Lai	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 oct 2003*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-44* is/are rejected.
7)☒ Claim(s) *5* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *10 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *10 oct 2003*.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is responsive to application filed on 10/10/2003. Claims 1-44 are pending examination.

Claim Objections

2. Claim 5 is objected to because of the following informalities: "based" should be "based on". Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-21 and 33-44 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 10 and 33 recite the limitation of "...computer-readable media..." that is described in para. 0040 on page 14 of original specification as "...such computer-readable media can comprise RAM, ROM, EEPROM, CD-ROM or other optical disc storage, magnetic disk storage or other magnetic storage devices, or any other medium which can be used to carry or store desired program code means in the form of..." A carry medium includes signals. As such, the claims cover embodiments directed to signals, per se. These claims are being rejected as non-statutory as directed to a form of energy rather than a patent-eligible machine, manufacture, process or composition of matter. Claims 11-21 depend on claim 10 and claims 34-44 depend on claim 33. They are rejected for the same reason.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-4, 6-10, 12-13, 15, 18-23, 25-26, 30-33, 35-36, 39, and 41-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Daniell et al. (US 6,976,092 B1, hereinafter Daniell).

Regarding claim 1, Daniell teaches that in a system capable of real-time communication with one or more contacts at one or more other systems, a method of tracking real-time communication data, within a single contact tracking application that tracks real-time communication data for real-time communication using any of a plurality of diverse real-time communication providers and applications, the method comprising acts of:

receiving, at a global real-time communication data store, real-time communication data from each of a plurality of diverse real-time communication applications corresponding to a plurality of diverse real-time communication providers (see FIG. 1A and col. 3, lines 53-60);

querying the global real-time communication data store for real-time communication data corresponding to one or more contacts that are dynamically determined at the global real-time communication data store, based on one or more properties associated with the real-time communication data, to be one or more recent contacts (see col. 10, lines 38-61, polling); and

displaying the one or more recent contacts on a user interface generated by the contact tracking application (see FIG. 4B and col. 6, lines 46-52).

Regarding claim 3, Daniell teaches the method of claim 1 further comprising acts of:

querying the global real-time communication data store for real-time communication data corresponding to one or more contacts identified as pinned contacts for which display of the corresponding real-time communication data is preferred (see col. 6, lines 15-18, the user is permitted to select a group in which to categorize the contact, such as pinned contacts or friends; also see col. 6, lines 57-59, the grouping may be changed according to user's preference.); and

displaying at least one of the one or more pinned contacts on the user interface generated by the contact tracking application (see FIG. 4B, item 303).

Claims 12, 25 and 35 are of the same scope as claim 3. They are rejected for the same reason as for claim 3.

Regarding claim 4, Daniell teaches the method of claim 3 wherein the user interface generated by the contact tracking application comprises separate pinned contact and recent contact portions (see FIG. 4B, item 303 as pinned contacts and 305, 307 as recent contacts).

Claims 13, 26 and 36 are of the same scope as claim 4. They are rejected for the same reason as for claim 4.

Regarding claim 6, Daniell teaches the method of claim 3 wherein the real-time communication data corresponding to the one or more pinned contacts comprises presence (see col. 11, lines 12-16).

Claim 39 is of the same scope as claim 6. It is rejected for the same reason as for claim 6.

Regarding claim 7, Daniell teaches the method of claim 1 wherein the real-time communication data corresponding to the one or more contacts dynamically determined to be one or more recent contacts comprises status (see col. 4, lines 30-33).

Claim 15 is of the same scope as claim 7. It is rejected for the same reason as for claim 7.

Regarding claim 8, Daniell teaches the method of claim 1 further comprising an act of displaying a link on the user interface for adding a new contact (see FIG. 4A).

Claim 31 is of the same scope as claim 8. It is rejected for the same reason as for claim 8.

Regarding claim 9, Daniell teaches the method of claim 1 wherein the user interface displays a plurality of contacts from diverse service providers (FIG. 3, AOL, YAHOO, and MSN.), the method further comprising acts of: receiving user input to select a specific contact (see col. 8, lines 12-26); selecting the specific contact (see col.

8, lines 6-10); receiving user input to begin a new real-time conversation with the specific contact (see col. 8, lines 12-26); and sending a request for a new real-time conversation to the specific contact (see col. 8, lines 10-26, also see col. 8, lines 6-41, the scenario of selecting and initiating real-time conversation with CONTACT1).

Claims 20, 30, 32 and 42 are of the same scope as claim 9. They are rejected for the same reason as for claim 9.

Regarding claim 10, Daniell teaches that for a system capable of real-time communication with one or more contacts at one or more other systems, a computer program product comprising one or more computer readable media carrying computer executable instructions that implement a method of tracking real-time communication data, within a single contact tracking application that tracks real-time communication data for real-time communication using any of a plurality of diverse real-time communication providers or applications, the method comprising acts of:

receiving, at a global real-time communication data store, real-time communication data from each of a plurality of diverse real-time communication applications corresponding to a plurality of diverse real-time communication providers (see FIG. 1A and col. 3, lines 53-60);

querying the global real-time communication data store for real-time communication data corresponding to one or more contacts that are dynamically determined at the global real-time communication data store, based on one or more properties associated with the real-time communication data, to be one or more recent contacts (see col. 10, lines 38-61, polling); and displaying the one or more recent contacts on a user interface generated by the contact tracking application (see FIG. 4B and col. 6, lines 46-52).

Regarding claim 18, Daniell teaches the computer program product of claim 10, the method further comprising an act of periodically requesting real-time communication data from at least one of the plurality of diverse real-time communication applications (see col. 7, lines 37-41, continually refreshed.).

Claim 41 is of the same scope as claim 18. It is rejected for the same reason as for claim 18.

Regarding claim 19, Daniell teaches the computer program product of claim 10 wherein the global real-time communication data store automatically receives real-time communication data from at least one of the plurality of diverse real-time communication applications, without having to make a request (see col. 7, lines 37-41, without the polling of the server.).

Regarding claim 21, Daniell teaches the computer program product of claim 10 wherein a particular contact is displayed as a pinned contact, the method further comprising acts of: receiving an indication at the global real-time communication data store that the particular contact is no longer a pinned contact (see col. 6, lines 57-59, the grouping may be changed according to user's preference. This implies the user can remove a contact from the pinned contact list at will and as a result, the global real-time communication data store should receive an indication that the particular contact is no longer a pinned contact.); and updating the user interface to remove the particular contact as a pinned contact (see col. 6, lines 57-59, the grouping may be changed according to user's preference. This implies the user can remove a contact from the pinned contact list at will and as a result, the user interface should be updated to remove the particular contact as a pinned contact.).

Claim 43 is of the same scope as claim 21. It is rejected for the same reason as for claim 21.

Regarding claim 22, Daniell teaches the computer program product of claim 10, the method further comprising acts of: receiving user input to display all contacts (col. 7, lines 19-23, the display of all contacts on a single screen implies receiving user input to display all contacts); and displaying a separate flyout user interface for displaying all contacts (see col. 7, lines 6-12, initiate another interface area (e.g., window, screen, etc.)).

Claim 44 is of the same scope as claim 22. It is rejected for the same reason as for claim 22.

Regarding claim 23, Daniell teaches that in a system capable of real-time communication with one or more contacts at one or more other systems, a method of tracking real-time communication data, within a single contact tracking application that tracks real-time communication data for real-time communication using any of a plurality of diverse real-time communication providers and applications, the method comprising steps for:

synchronizing a global real-time communication data store with real-time communication data from each of a plurality of diverse real-time communication applications corresponding to a plurality of diverse real-time communication providers (see FIG. 1A, col. 3, lines 53-60 and col. 7, lines 37-41, continually refreshed by the diverse servers.);

retrieving real-time communication data from the global real-time communication data store that corresponds to one or more contacts which are dynamically determined at the global real-time communication data store, based on one or more properties associated with the real-time communication data, to be one or more recent contacts (see col. 10, lines 47-50, polling); and

generating a user interface for displaying the one or more recent contacts (see FIG. 4B and col. 6, lines 46-52).

Regarding claim 33, Daniell teaches that in a system capable of real-time communication with one or more contacts at one or more other systems, a computer program product comprising one or more computer readable media that implement a method of tracking real-time communication data, within a single contact tracking application that tracks real-time communication data for real-time communication using any of a plurality of diverse real-time communication providers or applications, the method comprising steps for:

synchronizing a global real-time communication data store with real-time communication data from each of a plurality of diverse real-time communication applications corresponding to a plurality of diverse real-time communication providers (see FIG. 1A, col. 3, lines 53-60 and col. 7, lines 37-41, continually refreshed by the diverse servers.);

retrieving real-time communication data from the global real-time communication data store that corresponds to one or more contacts which are dynamically determined at the global real-time communication data store, based on one or more properties associated with the real-time communication data, to be one or more recent contacts (see col. 10, lines 47-50, polling); and

generating a user interface for displaying the one or more recent contacts (see FIG. 4B and col. 6, lines 46-52).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2, 11, 24, 34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell.

Regarding claim 2, Daniell teaches the method of claim 1, but does not disclose wherein the one or more properties comprise a most recent communication time for the one or more contacts, and wherein display of the one or more recent contacts is ordered on the user interface by most recent communication time. Official Notice is taken for the most recent communication time and the display of the one or more recent contacts is ordered on the user interface by most recent communication time, as timestamp and sorting by timestamp are well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to incorporate the most recent communication time and the display order accordingly into the method of Daniell at the time of invention for easier viewing by the user (more organized).

Claim 24 is of the same scope as claim 2. It is rejected for the same reason as for claim 2.

Regarding claim 11, Daniell teaches the product of claim 10, but does not disclose wherein the one or more properties comprise a communication count for the one or more contacts, and wherein display of the one or more recent contacts is ordered on the user interface by communication count. Official Notice is taken for the communication count and the display of the one or more recent contacts is ordered on the user interface by communication count, as count and sorting by count are well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to incorporate the communication count and the display order accordingly into the method of Daniell at the time of invention for easier viewing by the user (more organized).

Claim 34 is of the same scope as the combination of claims 2 and 4. It is rejected for the same reason as for both claims 2 and 4.

Regarding claim 37, Daniell teaches the product of claim 35, but does not disclose wherein display of the one or more pinned contacts is ordered on the user interface alphabetically. Official Notice is taken for ordering pinned contacts alphabetically, as ordering alphabetically is well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to incorporate the alphabetical order into the product of Daniell at the time of invention for easier viewing by the user (more organized).

8. Claims 5, 14, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell, in view of Kakuta et al (US 6,714,965 B2, hereinafter Kakuta).

Regarding claim 5, Daniell teaches the method of claim 4, but does not disclose wherein the pinned contact user interface portion varies in size based the number of one or more contacts identified as a pinned contact. However, Kakuta shows the size of the photograph of the user and the display position thereof displayed within the frame can be changed in real time on the preview screen. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Kakuta into Daniell's method to have the pinned contact user interface portion varies in size based on the number of one or more contacts identified as a pinned contact. The motivation would be saving display space and better for viewing.

Claims 14 and 27 are of the same scope as claim 5. They are rejected for the same reason as for claim 5.

9. Claims 16, 28-29, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell, in view of Odero et al. (US 2002/0070963 A1, hereinafter Odero).

Regarding claim 16, Daniell teaches the method of claim 10, but does not disclose unread messages. However, Odero shows a notification is presented when a user has email messages in general (read and unread), unread email messages, and/or upon recognition of arrival of an email message (see para. 0079). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Odero into Daniell's product such that the real-time communication data corresponding to the one or more contacts dynamically determined to be one or more recent contacts comprises unread messages. The motivation would be providing instant notification of the unread messages so that the user can respond promptly.

Claims 28-29 and 38 are of the same scope as claim 16. They are rejected for the same reason as for claim 16.

10. Claims 17 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell, in view of Cadiz et al. (US 20040235520 A1, hereinafter Cadiz).

Regarding claim 17, Daniell teaches the method of claim 10, but does not disclose the method further comprising an act of displaying a text entry box on the user interface for searching for a contact. However, Cadiz shows an act of displaying a text entry box on the user interface for searching for a contact (FIG. 5 item 545 and para. 0082). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Cadiz into Daniell's method to provide a searchable contact list. The motivation would be more user friendly.

Claim 40 is of the same scope as claim 17. It is rejected for the same reason as for claim 17.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Lai whose telephone number is (571) 270-3236. The examiner can normally be reached on M-F 8:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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27SEP2007

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